

2005 DRAFTING REQUEST

Bill

Received: **04/28/2005**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Janine Hale**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - cust./plac./vis.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Virtual visitation/physical placement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 04/28/2005	jdyer 04/28/2005		_____			
/1			rschluet 04/29/2005	_____	sbasford 04/29/2005		
/2	pkahler 05/19/2005	jdyer 05/19/2005	jfrantze 05/19/2005	_____	mbarman 05/19/2005	mbarman 06/20/2005	

FE Sent For:

<END>

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/1			rschluet 04/29/2005	_____	sbasford 04/29/2005		
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/?	pkahler 04/28/2005	jdye 04/28/2005					
/1		1/2 5/19 jlc	rschluet 04/29/2005		sbasford 04/29/2005		

FE Sent For:

7/5/19
3/19
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/?	pkahler	1 4/28 jd	89				
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FE Sent For:

<END>

Kahler, Pam

From: Risch, Jay
Sent: Wednesday, April 27, 2005 2:38 PM
To: Hale, Janine; Kahler, Pam
Subject: RE: VOS DRAFT REQUEST - Companion bill to LRB 1294/2 relating to virtual visitation

Its fine with us.

From: Hale, Janine
Sent: Wednesday, April 27, 2005 2:37 PM
To: Kahler, Pam
Cc: Risch, Jay
Subject: VOS DRAFT REQUEST - Companion bill to LRB 1294/2 relating to virtual visitation

Hi Pam,

Rep. Vos would like to request an Assembly companion draft to LRB 1294/2 (by Sen. Stepp). Do you need her office to send you an e-mail granting permission for the draft? If I recall, that is customary practice.

Thanks,
Janine

Janine L. Hale
Office of State Representative Robin Vos
304 North, State Capitol
P.O. Box 8953
Madison, WI 53708
608-266-9171 - office
1-888-534-0063 - toll-free
608-282-3663 - fax
janine.hale@legis.state.wi.us

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: DJK) (Date: 4/28/05)



☐ Please transfer the drafting file for

2003 LRB to the drafting file

for 2005 LRB

☒ The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☒ For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

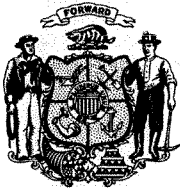
☒ Please copy the drafting file for

2005 LRB 1294 / all (include the version) and place it in the

drafting file for 2005 LRB 2896 (companion bills)

☒ For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☒ The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2005 - 2006 LEGISLATURE

2896/1
LRB-1294/2
PJK:jld:rs
keep

2005 BILL

No changes

Reger

- 1 AN ACT *to renumber* 767.327 (5m); *to amend* 767.23 (1) (am), 767.24 (1m) (a)
2 and 767.327 (5m) (title); and *to create* 767.001 (7), 767.24 (1m) (Lm), 767.24
3 (4) (e) and 767.327 (5m) (b) of the statutes; **relating to:** granting a parent
4 virtual parent time with a child.

Analysis by the Legislative Reference Bureau

Under current law, in a divorce or legal separation in which a minor child is involved, and in a paternity action, the court must grant sole legal custody of the child to one parent or joint legal custody to both parents together. In addition, the court must allocate between the parents periods of physical placement, which is the condition under which the child is physically placed with the parent and the parent has the right and responsibility during that time to care for, and make routine daily decisions concerning, the child. The court may deny a parent periods of physical placement with the child only if being physically placed with the parent would endanger the child's physical, mental, or emotional health.

This bill provides that, if the court grants periods of physical placement to both parents, the court may grant to a parent a reasonable amount of virtual parent time at reasonable hours during the other parent's periods of physical placement with the child. Virtual parent time is defined as time that a parent spends with his or her child during which the child is not in the parent's physical presence but which is facilitated by the use of various types of communication tools, such as the telephone, electronic mail, instant messaging, and video conferencing or other wired or wireless technologies via the Internet. The basis for granting virtual parent time is whether

BILL

it is in the child's best interest and whether equipment for providing virtual parent time is reasonably available to both parents. Virtual parent time may be used only to supplement, and not as a substitute or replacement for, the physical placement that a parent has with the child.

The bill provides that a parenting plan that a party files with the court before a pretrial conference when legal custody or physical placement is contested must include any virtual parent time a parent is requesting and must indicate whether equipment for providing virtual parent time is reasonably available to both parents. The bill also provides that, when a parent is proposing to move with the child and the other parent objects to the move, the court may not use the availability of virtual parent time as a factor in support of a refusal to prohibit the parent from moving with the child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 767.001 (7) of the statutes is created to read:

2 767.001 (7) "Virtual parent time" means time that a parent spends with his or
3 her child during which the child is not in the parent's physical presence but which
4 is facilitated by the use of communication tools such as the telephone, electronic mail,
5 instant messaging, video conferencing or other wired or wireless technologies via the
6 Internet, or another medium of communication.

7 ✓
8 **SECTION 2.** 767.23 (1) (am) of the statutes is amended to read:

9 767.23 (1) (am) Upon the request of a party, granting periods of physical
10 placement, including virtual parent time, to a party in a manner consistent with s.
11 767.24. The court or circuit court commissioner shall make a determination under
12 this paragraph within 30 days after the request for a temporary order regarding
13 periods of physical placement or virtual parent time is filed.

14 ✓
15 **SECTION 3.** 767.24 (1m) (a) of the statutes is amended to read:

16 767.24 (1m) (a) What legal custody or physical placement, including virtual
17 parent time, the parent is seeking.

BILL

1 **SECTION 4.** 767.24 (1m) (Lm) ✓ of the statutes is created to read:

2 767.24 (1m) (Lm) Whether equipment for providing virtual parent time is
3 reasonably available to both parents.

4 **SECTION 5.** 767.24 (4) (e) ✓ of the statutes is created to read:

5 767.24 (4) (e) If the court grants periods of physical placement to more than one
6 parent, the court may grant to a parent a reasonable amount of virtual parent time
7 at reasonable hours during the other parent's periods of physical placement with the
8 child. Virtual parent time with the child may be used only to supplement a parent's
9 periods of physical placement with the child. Virtual parent time may not be used
10 as a replacement or as a substitute for a parent's periods of physical placement with
11 the child. Granting a parent virtual parent time with the child during the other
12 parent's periods of physical placement shall be based on whether it is in the child's
13 best interest and whether equipment for providing virtual parent time is reasonably
14 available to both parents.

15 **SECTION 6.** 767.327 ✓ (5m) (title) of the statutes is amended to read:

16 767.327 (5m) (title) ~~DISCRETIONARY~~ OTHER FACTORS TO CONSIDER.

17 **SECTION 7.** 767.327 ✓ (5m) of the statutes is renumbered 767.327 (5m) (a).

18 **SECTION 8.** 767.327 ✓ (5m) (b) of the statutes is created to read:

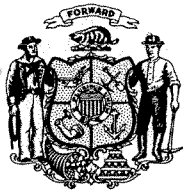
19 767.327 (5m) (b) In making a determination under sub. (3) (c), the court may
20 not use the availability of virtual parent time as a factor in support of a refusal to
21 prohibit a move.

22 **SECTION 9. Initial applicability.**

BILL

1 (1) PARENTING PLANS. The treatment of section 767.24 (1m) (a) and (Lm) of the
2 statutes first applies to parenting plans filed with the court on the effective date of
3 this subsection.

4 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LPS-
Please note 2896/2
LRB-1294/3
PJK/jfrs
stays
LPS-
(should I not have
done that?
I'm sorry!)

2005 BILL

D-note

Regen

1 AN ACT *to renumber and amend* 767.327 (5m); *to amend* 767.24 (1m) (L); and
2 *to create* 767.001 (1g), 767.23 (1) (ap), 767.24 (1m) (Lm), 767.24 (4) (e) and
3 767.327 (5m) (b) of the statutes; **relating to:** granting a parent electronic
4 communication with a child.

Analysis by the Legislative Reference Bureau

Under current law, in a divorce or legal separation in which a minor child is involved, and in a paternity action, the court must grant sole legal custody of the child to one parent or joint legal custody to both parents together. In addition, the court must allocate between the parents periods of physical placement, which is the condition under which the child is physically placed with the parent and the parent has the right and responsibility during that time to care for, and make routine daily decisions concerning, the child. The court may deny a parent periods of physical placement with the child only if being physically placed with the parent would endanger the child's physical, mental, or emotional health.

This bill provides that, if the court grants periods of physical placement to both parents, the court may grant to a parent a reasonable amount of electronic communication at reasonable hours during the other parent's periods of physical placement with the child. Electronic communication is defined as time during which a parent and his or her child communicate by using various types of communication tools, such as the telephone, electronic mail, instant messaging, and video conferencing or other wired or wireless technologies via the Internet. The basis for granting electronic communication is whether it is in the child's best interest and

BILL

whether equipment for providing electronic communication is reasonably available to both parents. Electronic communication may be used only to supplement, and not as a substitute or replacement for, the physical placement that a parent has with the child.

The bill provides that a parenting plan that a party files with the court before a pretrial conference when legal custody or physical placement is contested must include any electronic communication a parent is requesting and must indicate whether equipment for providing electronic communication is reasonably available to both parents. The bill also provides that, if a parent is proposing to move with the child and the other parent objects to the move, the court may not use the availability of electronic communication as a factor in support of a modification of physical placement or a refusal to prohibit the parent from moving with the child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 767.001 (1g) ^x of the statutes is created to read:

2 767.001 (1g) “Electronic communication” means time during which a parent
3 and his or her child communicate by using communication tools such as the
4 telephone, electronic mail, instant messaging, video conferencing or other wired or
5 wireless technologies via the Internet, or another medium of communication.

6 **SECTION 2.** 767.23 (1) (ap) ^x of the statutes is created to read:

7 767.23 (1) (ap) Upon the request of a party, granting periods of electronic
8 communication to a party in a manner consistent with s. 767.24. The court or circuit
9 court commissioner shall make a determination under this paragraph within 30
10 days after the request for a temporary order regarding periods of electronic
11 communication is filed.

12 **SECTION 3.** 767.24 (1m) ^x (L) of the statutes is amended to read:

13 767.24 (1m) (L) Whether and how the child will be able to contact the other
14 parent when the child has physical placement with the parent providing the
15 parenting plan, and what electronic communication, if any, the parent is seeking.

BILL

1 **SECTION 4.** 767.24 (1m) (Lm) ^X of the statutes is created to read:

2 767.24 (1m) (Lm) Whether equipment for providing electronic communication
3 is reasonably available to both parents.

4 **SECTION 5.** 767.24 (4) (e) ^X of the statutes is created to read:

5 767.24 (4) (e) If the court grants periods of physical placement to more than one
6 parent, the court may grant to either or both parents a reasonable amount of
7 electronic communication at reasonable hours during the other parent's periods of
8 physical placement with the child. Electronic communication with the child may be
9 used only to supplement a parent's periods of physical placement with the child.
10 Electronic communication may not be used as a replacement or as a substitute for
11 a parent's periods of physical placement with the child. Granting a parent electronic
12 communication with the child during the other parent's periods of physical
13 placement shall be based on whether it is in the child's best interest and whether
14 equipment for providing electronic communication is reasonably available to both
15 parents.

16 **SECTION 6.** 767.327 (5m) ^X of the statutes is renumbered 767.327 (5m) (intro.)

17 and amended to read:

18 767.327 (5m) DISCRETIONARY OTHER FACTORS TO CONSIDER. (intro.) In making
19 a determination under sub. (3), ~~the~~

20 (a) ~~The~~ court may consider the child's adjustment to the home, school, religion
21 and community.

22 **SECTION 7.** 767.327 (5m) (b) ^X of the statutes is created to read:

23 767.327 (5m) (b) The court may not use the availability of electronic
24 communication as a factor in support of a modification of a physical placement order
25 or in support of a refusal to prohibit a move.

BILL**SECTION 8. Initial applicability.**

(1) PARENTING PLANS. The treatment of section 767.24 (1m) (Lm) of the statutes first applies to parenting plans filed with the court on the effective date of this subsection.

(END)

Draft
This version of the draft is the
same as the latest version of
LRB-1794 (13).
✓
slash

PJK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2896/2dn

PJK:jld:jf

May 19, 2005

This version of the draft (/2) is the same as the latest version of LRB-1294 (/3).

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Barman, Mike

From: Hale, Janine
Sent: Monday, June 20, 2005 1:14 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2896/2 Topic: Virtual visitation/physical placement

It has been requested by <Hale, Janine> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2896/2 Topic: Virtual visitation/physical placement